



October 14, 2019

The Honorable Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510

**RE: Southern Nevada Economic Development and Conservation Act
(Sections 702 and 703)**

Dear Senator Cortez Masto:

I am writing on behalf of the Central Nevada Regional Water Authority (CNRWA) to express our concerns regarding the revised Draft Southern Nevada Economic Development and Conservation Act (SNEDCA) circulated on September 4, 2019. CNRWA is a nine-county unit of local government that collaboratively and proactively addresses water resource issues common to all member Counties (Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Nye, Pershing and White Pine), and whose mission is to protect the water resources in member counties so these counties will not only have an economic future, but their valued quality of life and natural environment is maintained. CNRWA's concerns are related to Sections 702 and 703 of SNEDCA that could facilitate Southern Nevada Water Authority's Groundwater Development Project, which over time will deplete groundwater resources across a large portion of the State and threaten the future viability of CNRWA member counties and ecosystems in central and eastern Nevada.

CNRWA objects to any language in SNEDCA which could undermine the current ongoing legal process concerning the Right-of-Way for SNWA's Pipeline Project and is concerned that Section 702 could be interpreted to exempt the pipeline from any applicable law or any form of review as part of a consolidated Right-of-Way in eastern Nevada. This is especially disconcerting since Section 702 recognizes N-78803 as a Right-of-Way that was "previously granted" even though the BLM's approval of the Right-of-Way under application N-78803 was reversed and remanded back to the BLM in August 2017 by Federal Judge Andrew Gordon and is not valid.

CNRWA is concerned that Section 703 would mandate the transfer of federal public lands to SNWA that could enable SNWA to construct and operate its planned pipeline project

without having to comply with the National Environmental Policy Act (NEPA) or Federal Land Policy and Management Act (FLPMA) as well as the requirements contained in Judge Gordon's decision invalidating SNWA's pipeline Right-of-Way.

For 30 years SNWA's Pipeline Project has cast a dark cloud of uncertainty over the future for residents of eastern and central Nevada. Yet despite substantial evidence that the Project would create environmental and socioeconomic devastation throughout the region and the Project's repeated failure in the courts it is still being pursued. If the language in Sections 702 and 703 is not intended to create an exemption from law or from appropriate administrative and judicial review for any right-of-way or water infrastructure that may be a part of SNWA's Pipeline Project, that needs to be clearly stated so as not to create further controversy and angst for those who are opposed to the Project.

Thank you for considering the concerns of the Central Nevada Regional Water Authority. Please contact me with any questions about these concerns.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Fontaine".

Jeffrey Fontaine
Executive Director